

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CIVIL ACTION NO. 1:09cv913 (WOB)

L.F.P.IP, LLC, ET AL.

PLAINTIFFS

VS.

ORDER OF PERMANENT INJUNCTION

HUSTLER CINCINNATI, INC.,  
ET AL.

DEFENDANTS

This matter is before the Court on the parties' proposed permanent injunctions (Docs. 199, 200) and supplemental briefs (Docs. 201, 202). Having reviewed these submissions, and in enforcement of the Court's prior rulings (Docs. 187, 197), and being otherwise sufficiently advised,

**IT IS HEREBY ORDERED AND DECREED** that:

1. Effective as of the date of this Order, Defendants, their agents, servants, employees, officers, directors, shareholders, assigns, representatives, successors and all persons in active concert or participation with them who receive actual notice of this Order, are **PERMANENTLY ENJOINED AND RESTRAINED** from:

a. using in commerce any HUSTLER trademark, service mark or any variation thereof, or any name or mark

confusingly similar thereto, as a trademark, trade name, or business name;

b. using in commerce HUSTLER or any variation thereof for goods or services, on the internet, as domain names, business names, email addresses, or other uses which would infringe on plaintiffs' trademark rights, or engaging in acts likely to cause confusion as to the source, sponsorship, endorsement or affiliation of Defendants with Plaintiffs; and

c. using any trademark or any variation thereof owned by L.F.P., Inc., LFP IP, LLC, Larry C. Flynt, HH-Entertainment, Inc., any Hustler Hollywood retail store, or any other entity owned, in whole or part, by Larry C. Flynt or the Larry Flynt Revocable Trust, including but not limited to "Relax . . . it's just sex."

2. Effective immediately, Defendants shall remove all signage, advertising, and other references to HUSTLER and any variation thereof from use or display;

3. Within two (2) years of this Order, Defendant Hustler Cincinnati, Inc. ("HCI") shall formally change its corporate name with the Ohio Secretary of State to remove any reference to "Hustler." During this 2-year time period, HCI is permitted to maintain and use its corporate name with respect to legal contracts and other business,

corporate, financial and related purposes, provided that HCI is not used to market or publicly identify Defendants' goods, services or commercial activities to the consuming public or to otherwise deceive the public with respect to HCI's endorsement, sponsorship or affiliation with Plaintiffs. However, if at any time before the end of this 2-year period HCI uses its corporate name in a public manner, HCI shall be required to immediately change its corporate name to remove any reference to "Hustler."

4. The above provisions do not prohibit Defendants from stocking, displaying, advertising for sale, promoting, distributing, or selling genuine and unaltered HUSTLER-branded goods or products, or doing acts in conjunction with and in furtherance of such activities.

5. PNC Bank is hereby **ORDERED** to release immediately all funds escrowed in account number 4240117265 from January 28, 2010 to October 31, 2011, and to disburse those funds to Plaintiffs.

6. Effective October 31, 2011, Defendants are permanently relieved of any obligation to make continued escrow deposits as previously ordered in this case.

7. The Escrow Account at PNC Bank, Account 4240117265, shall be closed following distribution of all

monies contained in said account in accordance with this Order.

8. This Court shall retain jurisdiction over this action and the parties to modify this Order and/or to enforce any violation of its terms.

9. The Preliminary Injunction bond previously posted by Plaintiffs in this action shall be released and exonerated as of the date of entry of this Order.

This 30<sup>th</sup> day of December, 2011.



**Signed By:**

**William O. Bertelsman** WOB

**United States District Judge**